General Assembly

Distr.: General
23 February 2007

Sixty-first session
Agenda item 67 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.2 and Corr.1)*]

61/165. Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 60/169 of 16 December 2005, and recalling also Commission on Human Rights resolution 2005/47 of 19 April 2005,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the Elimination of All Forms of Racial Discrimination [7] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[8]

Recalling also the provisions concerning migrants contained in the outcomes of all major United Nations conferences and summits,

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] Ibid., vol. 1249, No. 20378.

[6] Ibid., vol. 1577, No. 27531.

[7] Ibid., vol. 660, No. 9464.

[8] Ibid., vol. 2220, No. 39481.

Welcoming the establishment of the Human Rights Council, which is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Welcoming also the convening of the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as the full respect for the human rights and fundamental freedoms of migrants,

Noting that many migrant women are employed in the informal economy and in less skilled work compared with that of men, which puts those women at greater risk of abuse and exploitation,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and underlining the obligation of States to respect the human rights of those migrants,

Underlining the importance for States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent them from utilizing dangerous means to cross international borders,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

1. *Requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, regardless of their immigration status, especially those of women and children;

2. *Takes note with interest* of the interim report of the Special Rapporteur of the Human Rights Council on the human rights of migrants;[9]

3. *Calls upon* States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[8] as a matter of priority, and requests the Secretary-General to continue his efforts to raise awareness and promote the Convention;

[9] See A/61/324.

4. *Urges* States parties to the United Nations Convention against Transnational Organized Crime[10] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[11] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[12] to implement them fully, and calls upon States that have not done so to consider ratifying them as a matter of priority;

5. *Takes note* of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its third and fourth sessions;[13]

6. *Requests* all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

7. *Expresses concern* about legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

8. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

9. *Calls upon* States to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of migrants and avoiding approaches that may aggravate their vulnerability;

10. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

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[10] Resolution 55/25, annex I.

[11] Ibid., annex III.

[12] Ibid., annex II.

[13] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 48* (A/61/48).

11. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

12. *Encourages* all States to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of remittances of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

13. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

14. *Requests* Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, bearing in mind the discussions of the High-level Dialogue on International Migration and Development held pursuant to General Assembly resolution 58/208 of 23 December 2003;

15. *Requests* the Secretary-General to report on the implementation of the present resolution at its sixty-second session and decides to examine the question further under the item entitled "Promotion and protection of human rights".

81st plenary meeting
19 December 2006

General Assembly

Distr.: General
23 February 2007

Sixty-first session
Agenda item 67 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.2 and Corr.1)*]

61/166. Promotion of equitable and mutually respectful dialogue on human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the Vienna Declaration and Programme of Action,[2] the International Covenants on Human Rights[3] and other relevant human rights instruments,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind,

Stressing the importance of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and achieving international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all,

Emphasizing the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council", in particular the decision of the Assembly that the Council should undertake a universal periodic review, in a manner that ensures universality of coverage and equal treatment with respect to all States, and the decision of the Council on the establishment of an intersessional open-ended intergovernmental

[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

[3] Resolution 2200 A (XXI), annex.

working group to develop the modalities of the universal periodic review mechanism, based on an interactive dialogue as well as on objective and reliable information,[4]

Recalling that the General Assembly shall make recommendations for the purpose of promoting international cooperation in the economic, social, cultural, education and health fields, and of assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that politically motivated and biased country-specific resolutions on the situation of human rights severely undermine the principles of objectivity and non-selectivity in the consideration of human rights issues and are counterproductive to the cause of promoting human rights,

1. *Urges* Member States to further strengthen international cooperation in promoting and encouraging respect for human rights in order to enhance dialogue and broaden understanding among civilizations, cultures and religions;

2. *Calls upon* Member States to base their approaches towards development of international dialogue on human rights on the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the Vienna Declaration and Programme of Action[2] and other relevant international human rights instruments and to refrain from approaches that are inconsistent with that international framework;

3. *Reaffirms* that the promotion and protection of human rights and fundamental freedoms, as a legitimate concern of the world community, and the development of international dialogue on human rights should be guided by the principles of universality, non-selectivity, impartiality and objectivity and should not be used for political purposes;

4. *Stresses* the need to avoid politically motivated and biased country-specific resolutions on the situation of human rights, confrontational approaches, exploitation of human rights for political purposes, selective targeting of individual countries for extraneous considerations and double standards in the work of the United Nations on human rights issues;

5. *Affirms* that respect for political, economic and cultural diversity for all contributes to the development of stable and friendly relations among countries and equitable and mutually respectful international dialogue on human rights;

6. *Stresses* the continuing need for unbiased and objective information on the situation of human rights in all countries and the need to present this information in an impartial manner, including through the reports of the special rapporteurs and representatives, independent experts and working groups;

7. *Decides* to consider the matter at its sixty-second session under the item entitled "Promotion and protection of human rights".

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[4] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II, sect. B, decision 1/103.

General Assembly

Distr.: General
23 February 2007

Sixty-first session
Agenda item 67 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.2 and Corr.1)*]

61/167. Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993[1] and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2004/81 of 21 April 2004,[2]

Bearing in mind also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

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[1] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] A/CONF.157/24 (Part I), chap. III.

Welcoming the fact that the Office of the High Commissioner has been systematically pursuing a regional and subregional approach through a variety of complementary means and methods, in order to maximize the impact of the activities of the United Nations at the national level, and that the Office intends to establish new regional offices,

1. *Takes note with satisfaction* of the report of the Secretary-General;[4]

2. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. *Recognizes*, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels, and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;

5. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under the programme of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

6. *Welcomes* the growing exchanges between the United Nations and the United Nations human rights treaty bodies, on the one hand, and regional organizations and institutions, such as the African Commission on Human and Peoples' Rights, the Community of Portuguese-speaking Countries, the Council of Europe, the Inter-American Commission on Human Rights, the International Organization of la Francophonie, the League of Arab States, the Organization for Security and Cooperation in Europe and other regional institutions, on the other;

7. *Also welcomes* the placement by the Office of the High Commissioner of regional representatives in subregions and in regional commissions, in particular the deployment to Bishkek of a regional representative for Central Asia;

[4] A/61/513.

8. *Further welcomes* the progress achieved in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and, in this regard, notes with interest:

(*a*) The increasing cooperation between the Office of the High Commissioner and African organizations and suborganizations, in particular the African Union, the Economic Community of Central African States, the Economic Community of West African States and the Southern African Development Community;

(*b*) The support provided by the Office of the High Commissioner to the African Union for the strengthening of the promotion and protection of human rights in Africa, and welcomes in this regard the establishment of the African Court on Human and Peoples' Rights;

(*c*) The increased, valuable sharing of concrete national experiences at the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, held in Beijing from 30 August to 2 September 2005, regarding the implementation of the Regional Framework for the Promotion and Protection of Human Rights in the Asia-Pacific Region, which contributes to the enhancement of the promotion and protection of human rights in the region, and welcomes in this regard the establishment in Suva of an office of the High Commissioner for the Pacific region and the steps undertaken by the Office of the High Commissioner to set up a United Nations human rights training and documentation centre for South-West Asia and the Arab region, pursuant to General Assembly resolution 60/153 of 16 December 2005;

(*d*) The ongoing consultations among Governments aimed at the possible establishment of regional human rights arrangements held in the context of the Regional Framework, with the support and advice of national human rights institutions and civil society organizations of the Asia-Pacific region;

(*e*) Activities undertaken within the framework of the regional project of the Office of the High Commissioner for the promotion and protection of human rights in the Latin American and Caribbean region and the strengthening of the cooperation between the Office of the High Commissioner, the Inter-American Commission on Human Rights and the Organization of American States;

(*f*) Activities undertaken within the framework of cooperation between the Office of the High Commissioner and the League of Arab States;

(*g*) The continued cooperation towards the realization of universal standards between the Office of the High Commissioner and regional organizations in Europe and Central Asia, namely, the Council of Europe, the European Union and the Organization for Security and Cooperation in Europe, in particular for activities at the country level;

9. *Invites* States in areas in which regional arrangements in the field of human rights do not yet exist to consider, with the support and advice of national human rights institutions and civil society organizations, concluding agreements with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

10. *Requests* the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

11. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations, and in this regard welcomes the decision of the Office to strengthen national protection systems in accordance with action 2 of the reform programme of the Secretary-General;[5]

12. *Invites* the Secretary-General to provide, in the report that he will submit to the Human Rights Council at its fourth session, information on progress made since the adoption of the Vienna Declaration and Programme of Action[3] on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

13. *Requests* the Secretary-General to submit to the General Assembly at its sixty-third session a report on the state of regional arrangements for the promotion and protection of human rights, formulating concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights, and to include therein the results of action taken in pursuance of the present resolution;

14. *Decides* to consider the question further at its sixty-third session.

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[5] See A/57/387 and Corr.1.

General Assembly

Distr.: General
27 February 2007

Sixty-first session
Agenda item 67 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.2 and Corr.1)*]

61/168. Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 60/156 of 16 December 2005, and taking note of Commission on Human Rights resolution 2005/54 of 20 April 2005 on the enhancement of international cooperation in the field of human rights,[3]

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

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[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Requests* the Secretary-General, in collaboration with the United Nations High Commissioner for Human Rights, to consult States and intergovernmental and non-governmental organizations on ways and means to enhance international cooperation and dialogue in the United Nations human rights machinery;

11. *Decides* to continue its consideration of the question at its sixty-second session.

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19 December 2006

General Assembly

Distr.: General
27 February 2007

Sixty-first session
Agenda item 67 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.2 and Corr.1)*]

61/169. The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling the Universal Declaration of Human Rights,[1] as well as the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2]

Recalling also the outcomes of all the major United Nations conferences and summits in the economic and social fields,

Recalling further that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[4]

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

[4] See resolution 55/2.

Reaffirming also the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

Expressing concern over the suspension of the trade negotiations of the World Trade Organization, and stressing the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,

Recalling the outcome of the eleventh session of the United Nations Conference on Trade and Development, held in São Paulo, Brazil, from 13 to 18 June 2004, on the theme "Enhancing the coherence between national development strategies and global economic processes towards economic growth and development, particularly of developing countries",[5]

Recalling also all its previous resolutions, Human Rights Council resolution 1/4 of 30 June 2006[6] and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998,[7] on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Welcoming the outcome of the seventh session of the Working Group on the Right to Development of the Commission on Human Rights, held in Geneva from 9 to 13 January 2006, as contained in the report of the Working Group,[8]

Recalling the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Havana on 15 and 16 September 2006, the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, held in Putrajaya, Malaysia, on 29 and 30 May 2006, and the Fourteenth Ministerial Conference of the Movement of Non-Aligned Countries, held in Durban, South Africa, from 17 to 19 August 2004,

Reiterating its continuing support for the New Partnership for Africa's Development[9] as a development framework for Africa,

Recognizing that poverty is an affront to human dignity,

Recognizing also that extreme poverty and hunger are a global threat that requires the collective commitment of the international community for its eradication, pursuant to millennium development goal 1, and therefore calling upon the international community, including the Human Rights Council, to contribute towards achieving that goal,

Recognizing further that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

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[5] See TD/412.

[6] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II, sect. A.

[7] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[8] E/CN.4/2006/26.

[9] A/57/304, annex.

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the millennium development goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

1. *Endorses* the conclusions and recommendations adopted by consensus by the Working Group on the Right to Development of the Commission on Human Rights at its seventh session,[9] and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors;

2. *Recognizes* the relevance of the decisions contained in Human Rights Council resolution 1/4[6] to renew the mandate of the Working Group and to request the Working Group to meet in the first three months of 2007;

3. *Also recognizes* the relevance of the request of the Human Rights Council to the high-level task force on the right to development to meet before the end of 2006 with a view to implementing the relevant recommendations contained in the report on the seventh session of the Working Group;

4. *Emphasizes* the relevant provisions of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council, and, in this regard, calls upon the Council:

(*a*) To promote and advance sustainable development and the achievement of the Millennium Development Goals;

(*b*) To agree on a programme that will lead to the elevation of the right to development to the same level, in order that it may be on a par with them, as all other human rights and fundamental freedoms elaborated in the human rights instruments;

5. *Notes with appreciation* that the high-level task force, at its second meeting, examined millennium development goal 8, on developing a global partnership for development, and suggested criteria for its periodic evaluation with the aim of improving the effectiveness of global partnership with regard to the realization of the right to development;[10]

6. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session,[11] congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

7. *Also stresses* that it is important that the high-level task force and the Working Group, in the discharge of their mandates, take into account the need:

(*a*) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

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[10] See E/CN.4/2005/WG.18/TF/3.

[11] E/CN.4/2002/28/Rev.1, sect. VIII.A.

(*b*) To also promote effective partnerships such as the New Partnership for Africa's Development[9] and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Millennium Development Goals;

(*c*) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as a fundamental human right, and also urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level as well as equitable economic relations and a favourable economic environment at the international level;

(*d*) To consider ways and means to ensure the operationalization of the right to development as a priority, including through further consideration of the elaboration of a convention on the right to development;

(*e*) To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, programmes and funds, as well as in policies and strategies of the international financial and multilateral trading system, taking into account in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising out of political or other non-economic considerations, in addressing the issues of concern to the developing countries;

8. *Recognizes* the relevance of the request to the Subcommission on the Promotion and Protection of Human Rights or its successor expert advice mechanism to pursue its ongoing work on the right to development, in accordance with the relevant provisions of General Assembly and Commission on Human Rights resolutions, and in compliance with decisions to be taken by the Human Rights Council, and requests the Secretary-General to report on progress in this regard to the Assembly at its sixty-second session;

9. *Invites* Member States and all other stakeholders to participate actively in future sessions of the Social Forum, while recognizing the strong support extended to the Forum at its previous three sessions by the Subcommission on the Promotion and Protection of Human Rights;

10. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

11. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action,[3] which regards all human rights as universal, indivisible, interdependent and interrelated,

places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

12. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

13. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with each other to that end;

14. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

15. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon States to institute the measures required for the implementation of the right to development as a fundamental human right;

16. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

17. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

18. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

19. *Underlines* the fact that the international community is far from meeting the target set in the United Nations Millennium Declaration[4] of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

20. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

21. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

22. *Calls for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

23. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses, in this regard, the need for good governance and broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

24. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

25. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

26. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes, and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

27. *Welcomes* the Political Declaration on HIV/AIDS adopted at the High-level Meeting of the General Assembly on 2 June 2006,[12] stresses that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

28. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

29. *Emphasizes* the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery consistent with the principles

[12] Resolution 60/262, annex.

of the United Nations Convention against Corruption,[13] particularly chapter V thereof, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify as soon as possible, and States parties to implement effectively, the Convention;

30. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

31. *Reaffirms* the request to the High Commissioner, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in her next report to the Human Rights Council;

32. *Calls upon* the United Nations agencies, funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

33. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

34. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-second session and an interim report to the Human Rights Council on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the Chairperson of the Working Group on the Right to Development to present a verbal update to the Assembly at its sixty-second session.

81st plenary meeting
19 December 2006

[13] Resolution 58/4, annex.

General Assembly

Distr.: General
27 February 2007

Sixty-first session
Agenda item 67 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.2 and Corr.1)*]

61/170. Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions on this subject, the most recent of which was resolution 60/155 of 16 December 2005, and Commission on Human Rights resolution 2005/14 of 14 April 2005,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General,[2] submitted pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999,[3] and the reports of the Secretary-General on the implementation of resolutions 52/120 of 12 December 1997[4] and 55/110 of 4 December 2000,[5]

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6]

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[2] E/CN.4/2000/46 and Add.1.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

[6] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development adopted by the World Summit for Social Development on 12 March 1995,[7] the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

Expressing its concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing its grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[10]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[11] and other international human rights instruments, in particular the right of individuals and peoples to development;

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[7] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3–14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

[10] Resolution 41/128, annex.

[11] Resolution 217 A (III).

2. *Also urges* all States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Invites* all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

4. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest possible time;

6. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

7. *Urges* the Human Rights Council to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

8. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its sixty-second session, while reiterating once again the need to highlight the practical and preventive measures in this respect;

10. *Decides* to examine the question on a priority basis at its sixty-second session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

81st plenary meeting
19 December 2006

General Assembly

Distr.: General
1 March 2007

Sixty-first session
Agenda item 67 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.2 and Corr.1)*]

61/171. Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004 and 60/158 of 16 December 2005, Commission on Human Rights resolutions 2003/68 of 25 April 2003,[1] 2004/87 of 21 April 2004[2] and 2005/80 of 21 April 2005[3] and other relevant resolutions of the General Assembly and the Commission on Human Rights,

Reaffirming that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Reiterating the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights law and refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee law and international humanitarian law,

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

Recalling the establishment by the Commission on Human Rights, in its resolution 2005/80, of the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

Recalling also its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Welcoming the establishment of the Human Rights Council, which is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Recognizing the importance of the United Nations Global Counter-Terrorism Strategy adopted by the General Assembly on 8 September 2006,[4] and reaffirming its relevant clauses on the measures to ensure respect for human rights for all, international humanitarian law and the rule of law as the fundamental basis for the fight against terrorism,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,[5]

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Reaffirming that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Recognizing that the respect for all human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

Noting the declarations, statements and recommendations of a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

Recalling Human Rights Council decision 1/102 of 30 June 2006,[6]

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them;

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[4] Resolution 60/288.

[5] See sect. I, para. 17, of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

[6] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II, sect. B.

3. *Reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[7] to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;[8]

4. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

5. *Reaffirms* that counter-terrorism measures should be implemented in full consideration of minority rights and must not be discriminatory on the grounds of race, colour, sex, language, religion or social origin;

6. *Urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

7. *Also urges* States, while countering terrorism, to ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights,[9] the International Covenant on Civil and Political Rights and the Geneva Conventions of 1949,[10] in their respective fields of applicability;

8. *Opposes* any form of deprivation of liberty that amounts to placing a detained person outside the protection of the law, and urges States to respect the safeguards concerning the liberty, security and dignity of the person and to treat all prisoners in all places of detention in accordance with international law, including human rights law and international humanitarian law;

9. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism;

10. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms and the relevant comments and views of United Nations human rights treaty bodies;

11. *Takes note with interest* of the report of the Secretary-General submitted pursuant to resolution 60/158;[11]

12. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to

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[7] See resolution 2200 A (XXI), annex.

[8] See, for example, General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001.

[9] Resolution 217 A (III).

[10] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[11] A/61/353.

strengthen the links and to continue to develop cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and other relevant special procedures and mechanisms of the Human Rights Council, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

13. *Takes note with appreciation* of the report of the Special Rapporteur submitted pursuant to Commission on Human Rights resolution 2005/80;[12]

14. *Acknowledges with appreciation* the cooperation between the Special Rapporteur and all relevant procedures and mechanisms of the Human Rights Council as well as the United Nations human rights treaty bodies, and urges them to continue their cooperation, in accordance with their mandates, and to coordinate their efforts, where appropriate, in order to promote a consistent approach on this subject;

15. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals of the Special Rapporteur and providing the information requested;

16. *Welcomes* the work done by the United Nations High Commissioner for Human Rights to implement the mandate given to her in resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

17. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its sixty-second session;

18. *Decides* to consider at its sixty-second session the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

81st plenary meeting
19 December 2006

[12] See A/61/267.

General Assembly

Distr.: General
1 March 2007

Sixty-first session
Agenda item 67 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.2 and Corr.1)*]

61/172. Hostage-taking

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] which guarantees, inter alia, the right to life, liberty and security of person, freedom from torture and other cruel, inhuman or degrading treatment, freedom of movement and protection from arbitrary detention,

Recalling also the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[2]

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which recognizes that everyone has the right to life, liberty and security of person and considers the taking of hostages to be an offence of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the relevant Security Council resolutions condemning all cases of terrorism, including those of hostage-taking, in particular resolution 1440 (2002) of 24 October 2002,

Mindful of the fact that hostage-taking constitutes a war crime under the Rome Statute of the International Criminal Court[3] and is also a grave breach of the Geneva Conventions of 12 August 1949 for the protection of victims of war,[4]

Reaffirming its relevant resolutions, including the most recent, resolution 57/220 of 18 December 2002,

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[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

[3] United Nations, *Treaty Series*, vol. 2187, No. 38544.

[4] Ibid., vol. 75, Nos. 970–973.

Recalling all relevant resolutions of the Commission on Human Rights on the subject, including its most recent, resolution 2005/31 of 19 April 2005,[5] in which it condemned the taking of any person as a hostage, as well as the statement by the President of the Human Rights Council of 30 June 2006 on the same subject,[6]

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, including, inter alia, those committed by terrorists and armed groups, continue to take place and have even increased in many regions of the world,

Appealing for the humanitarian action of humanitarian organizations, in particular the International Committee of the Red Cross and its delegates, to be respected, in accordance with the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,[7]

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. *Reaffirms* that hostage-taking, wherever and by whomever committed, is a serious crime aimed at the destruction of human rights and is, under any circumstances, unjustifiable;

2. *Condemns* all acts of hostage-taking, anywhere in the world;

3. *Demands* that all hostages be released immediately and without any preconditions, and expresses its solidarity with the victims of hostage-taking;

4. *Calls upon* States to take all necessary measures, in accordance with relevant provisions of international humanitarian law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. *Decides* to remain seized of the matter.

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19 December 2006

[5] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[6] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II, sect. C.

[7] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

General Assembly

Distr.: General
1 March 2007

Sixty-first session
Agenda item 67 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.2 and Corr.1)*]

61/173. Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, the relevant provisions of the International Covenant on Civil and Political Rights[2] and other relevant human rights conventions,

Having regard to the legal framework of the mandate of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions,

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949,[3] which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions during armed conflict,

Mindful of all its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights on the subject,

Noting with deep concern that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions,

Acknowledging that international human rights law and international humanitarian law are complementary and not mutually exclusive,

Noting with deep concern the growing number of civilians and persons *hors de combat* killed in situations of armed conflict and internal strife,

Acknowledging that extrajudicial, summary or arbitrary executions may under certain circumstances amount to genocide, crimes against humanity or war crimes, as defined in international law, including in the Rome Statute of the International Criminal Court,[4]

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[4] Ibid., vol. 2187, No. 38544.

Affirming the obligation of States to prevent the abuse of persons deprived of their liberty and to investigate and respond to deaths in custody,

Convinced of the need for effective action to prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

2. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms;

3. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families, and to adopt all necessary measures, including legal and judicial measures, to put an end to impunity and to prevent the further occurrence of such executions, as recommended in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;[5]

4. *Calls upon* all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights[6] and articles 37 and 40 of the Convention on the Rights of the Child,[7] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

5. *Urges* all States:

(*a*) To take all necessary and possible measures, in conformity with international human rights law and international humanitarian law, to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest, public emergencies or armed conflicts, and to ensure that the police, law enforcement agents, armed forces and other agents acting on behalf of or with the consent or acquiescence of the State act with restraint and in conformity with international humanitarian law and international human rights law, including the principles of proportionality and necessity, and in this regard to ensure that police and law enforcement officials are guided by the Code of Conduct for Law Enforcement Officials[8] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;[9]

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[5] Economic and Social Council resolution 1989/65, annex.

[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[7] Resolution 44/169, annex.

[8] See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

(*b*) To ensure the effective protection of the right to life of all persons under their jurisdiction and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of members of national, ethnic, religious or linguistic minorities, of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, as well as all other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level, and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

6. *Also urges* all States to ensure that persons deprived of their liberty are treated humanely and with full respect for their human rights and to ensure that their treatment, including judicial guarantees, and conditions conform to the Standard Minimum Rules for the Treatment of Prisoners[9] and, where applicable, to the Geneva Conventions of 12 August 1949[3] and the Additional Protocols thereto of 8 June 1977[10] in relation to all persons detained in armed conflict, as well as to other pertinent international instruments;

7. *Welcomes* the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions and the fact that one hundred and four States have already ratified or acceded to and a further forty-one States have signed the Rome Statute of the Court,[4] and calls upon all those States that have not ratified or acceded to the Rome Statute to consider doing so;

8. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender and child rights perspective in such training, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

9. *Takes note* of the interim report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions to the General Assembly;[11]

10. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

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[9] *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[10] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[11] See A/61/311.

11. *Acknowledges* the important role of the Special Rapporteur in identifying cases where extrajudicial, summary and arbitrary executions could amount to genocide and crimes against humanity or war crimes, and urges him to collaborate with the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, in addressing situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

12. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

13. *Urges* all States, in particular those that have not done so, to cooperate with the Special Rapporteur so that his mandate can be carried out effectively, including by favourably and rapidly responding to requests for visits, mindful that country visits are one of the tools for the fulfilment of the mandate of the Special Rapporteur, and by responding in a timely manner to communications and other requests transmitted to them by the Special Rapporteur;

14. *Expresses its appreciation* to those States that have received the Special Rapporteur and asks them to examine his recommendations carefully, invites them to inform him of the actions taken on those recommendations, and requests other States to cooperate in a similar way;

15. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

16. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

17. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

18. *Requests* the Special Rapporteur to submit to the General Assembly at its sixty-second session a report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon.

81st plenary meeting
19 December 2006

General Assembly

Distr.: General
1 March 2007

Sixty-first session
Agenda item 67 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.3)*]

61/174. Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Noting the submission by the Democratic People's Republic of Korea of its second periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights,[4] its second periodic report on the implementation of the Convention on the Rights of the Child[5] and its initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women,[6] as a sign of engagement in international cooperative efforts in the field of human rights,

Taking note of the concluding observations of the treaty monitoring bodies under the four treaties, the most recent of which were given by the Committee on the Elimination of Discrimination against Women in July 2005,[7]

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[1] See resolution 2200 A (XXI), annex.

[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[3] Ibid., vol. 1249, No. 20378.

[4] E/1990/6/Add.35.

[5] CRC/C/65/Add.24.

[6] CEDAW/C/PRK/1.

[7] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 38* (A/60/38), part two, paras. 26–76.

Recalling its resolution 60/173 of 16 December 2005 and Commission on Human Rights resolutions 2003/10 of 16 April 2003,[8] 2004/13 of 15 April 2004[9] and 2005/11 of 14 April 2005,[10] and mindful of the need for the international community to strengthen its coordinated efforts aimed at urging the implementation of those resolutions,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[11] including the specific concerns relating to women's rights, the rights of the child, the rights of the elderly, the rights of persons with disabilities and refugee rights addressed therein,

1. *Expresses its very serious concern* at:

(*a*) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

(*b*) Continuing reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, the absence of due process and the rule of law, the imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour;

(ii) The situation of refugees expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and urges all States to ensure respect for the fundamental principle of non-refoulement;

(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information and limitations imposed on every person who wishes to move freely within the country and travel abroad;

(iv) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage, forced abortions, and infanticide of children of repatriated mothers, including in police detention centres and camps;

(v) Unresolved questions of international concern relating to the abduction of foreigners in the form of enforced disappearance, which violates the human rights of the nationals of other sovereign countries;

(vi) The violations of economic, social and cultural rights, which have led to severe malnutrition and hardship for the population in the Democratic People's Republic of Korea;

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[8] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[9] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[10] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[11] See A/61/349.

(vii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

2. *Expresses its strong concern* that the Government of the Democratic People's Republic of Korea has not engaged in technical cooperation activities with the United Nations High Commissioner for Human Rights and her Office, despite efforts by the High Commissioner to engage in a dialogue with the authorities of the Democratic People's Republic of Korea in this regard;

3. *Expresses its very deep concern* at the precarious humanitarian situation in the country, compounded by the mismanagement on the part of the authorities, in particular the prevalence of infant malnutrition, which, despite recent progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to facilitate the continued presence of humanitarian organizations to ensure that humanitarian assistance is delivered impartially to all parts of the country on the basis of need in accordance with humanitarian principles;

4. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in the above-mentioned resolutions of the General Assembly and the Commission on Human Rights, and the recommendations addressed to the Democratic People's Republic of Korea by the United Nations special procedures and treaty bodies, and to extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms;

5. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-second session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to report his findings and recommendations.

81st plenary meeting
19 December 2006

General Assembly

Distr.: General
8 March 2007

Sixty-first session
Agenda item 67 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/61/443/Add.3)*]

61/175. Situation of human rights in Belarus

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights[2] and the Optional Protocols thereto,[3] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5] the Convention on the Elimination of All Forms of Discrimination against Women[6] and the Optional Protocol thereto,[7] and the Convention on the Rights of the Child[8] and the Optional Protocol thereto on the sale of children, child prostitution and child pornography,[9]

Recalling Commission on Human Rights resolutions 2003/14 of 17 April 2003,[10] 2004/14 of 15 April 2004[11] and 2005/13 of 14 April 2005,[12] and Human Rights Council decision 1/102 of 30 June 2006,[13]

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

[4] United Nations, *Treaty Series*, vol. 660, No. 9464.

[5] Ibid., vol. 1465, No. 24841.

[6] Ibid., vol. 1249, No. 20378.

[7] Ibid., vol. 2131, No. 20378.

[8] Ibid., vol. 1577, No. 27531.

[9] Ibid., vol. 2171, No. 27531.

[10] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[11] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[12] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[13] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II, sect. B.

Concerned that the presidential election of 19 March 2006 was severely flawed and fell significantly short of the commitments of Belarus to the Organization for Security and Cooperation in Europe to hold a free and fair election, and that the situation of human rights in Belarus in 2005 was steadily deteriorating, as documented in the final report of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and in the report of the Special Rapporteur on the situation of human rights in Belarus,[14]

Noting that the Belarusian authorities have decided to hold local elections on 14 January 2007, and expressing its hope that those will be free and fair, in full respect of international electoral standards,

1. *Expresses deep concern*:

(*a*) About the failure of the Government of Belarus to cooperate fully with all the mechanisms of the Human Rights Council, in particular with the special rapporteurs on the situation of human rights in Belarus, while noting the serious concern relating to the deterioration of the human rights situation in Belarus expressed by seven independent human rights experts of the United Nations in a statement issued on 29 March 2006;

(*b*) That in spite of detailed recommendations by the Organization for Security and Cooperation in Europe and dialogue between the Government and the Organization for Security and Cooperation in Europe following previous elections, Belarus again failed to meet its commitments to hold free and fair elections, including through the arbitrary use of State power against opposition candidates, routine harassment, the detention and arrest of political and civil society activists, the obstruction of the access of opposition candidates to State media, the negative portrayal in the State media of opposition candidates and activists, including human rights defenders, and the serious shortcomings of the vote count, which lacked minimum transparency;

(*c*) About continuing reports of harassment, arbitrary arrest and detention of up to one thousand persons, including opposition candidates, before and after the election of 19 March 2006;

(*d*) About the continuing and expanding criminal prosecutions, lack of due process and closed political trials of leading opposition figures and human rights defenders;

(*e*) About the continuing harassment and detention of Belarusian journalists covering local opposition demonstrations, and that senior officials of the Government of Belarus were implicated in the enforced disappearance and/or summary execution of three political opponents of the incumbent authorities in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up, as documented in the report adopted in resolution 1371 (2004) of 28 April 2004 by the Parliamentary Assembly of the Council of Europe;[15]

(*f*) About the decision of the Belarusian authorities to revoke the teaching licence of the European Humanities University in Minsk and to terminate the lease of its buildings, forcing the University in Belarus to close down;

[14] E/CN.4/2006/36.

[15] See Council of Europe, Parliamentary Assembly, document 10062.

(g) About persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, religious groups, opposition political parties, independent trade unions and independent youth and student organizations, and the harassment and prosecution of individuals, including students engaged in the promotion and protection of human rights, the rule of law and democracy;

2. *Urges* the Government of Belarus:

(a) To bring the electoral process and legislative framework into line with international standards, especially those of the Organization for Security and Cooperation in Europe, demonstrate such commitment through the upcoming local elections in January 2007 and rectify the shortcomings of the electoral process, identified by the Office for Democratic Institutions and Human Rights in its report of 7 June 2006, including, inter alia, election laws and practices that restrict campaigning opportunities for de facto opposition candidates, arbitrary application of electoral laws, including on registration of candidates, obstruction of the right of access to the media, biased presentation of the issues by the State media and falsification of vote counts;

(b) To cease politically motivated prosecution, harassment and intimidation of political opponents, pro-democracy activists and human rights defenders, students, independent media, religious organizations, educational institutions and civil society actors, and to cease the harassment of students and to create the conditions whereby they can continue their studies in Belarus;

(c) To respect the rights to freedom of speech, assembly and association and to release immediately all political prisoners and other individuals detained for exercising those rights;

(d) To suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture and other cruel, inhuman or degrading treatment or punishment, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases and to bring the alleged perpetrators to justice before an independent tribunal, and, if found guilty, to ensure that they are punished in accordance with the international human rights obligations of Belarus;

(e) To investigate and hold accountable those responsible for the mistreatment and detention of domestic and foreign journalists in connection with the election of 19 March 2006 and post-election demonstrations;

(f) To uphold the right to freedom of religion or belief, including the ability to maintain communications with individuals and communities in matters of religion and belief at the national and international levels;

(g) To investigate and hold accountable those responsible for the mistreatment, arbitrary arrest and incarceration of civic and political activists leading up to and following the presidential election of March 2006 and to release immediately and unconditionally all political prisoners;

(h) To carry out all other steps called for by the Commission on Human Rights in its resolution 2005/13;[12]

3. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Human Rights Council, in particular with the Special Rapporteur appointed pursuant to Commission on Human Rights resolution 2004/14[11] and whose mandate was extended in Commission resolution 2005/13, as well as with the Representative of the Organization for Security and Cooperation in Europe on freedom of the media.

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